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10/772,608	02/05/2004	Hin Leong Tan	EDITI 702	5063
23899	7590	07/18/2008	EXAMINER	
DOUGLAS L. WELLER 431 MAGNOLIA LANE SANTA CLARA, CA 95051			WORKU, NEGUSSE	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 06/23/2008 have been fully considered but they are not persuasive.

Regarding claims 1, 7 and 13, the Applicant alleged that the combination of (USPN 5,717,941 (Yoshida) in view of USPN 6,686,930 (Powers), fails to show or suggest, "a use of a TWAIN source to control scanning of multiple sides of a multi-sided document by a scanning device" as disclosed in claims 1, 7 and 13 respectively. In response, the Examiner respectfully disagrees because the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the Examiner asserts that the combination of (USPN 5,717,941 (Yoshida) in view of USPN 6,686,930 (Powers), when considered as a whole clearly teaches that " a use of a TWAIN source to control scanning of multiple sides of a multi-sided document by a scanning device" as are well-known in the art at the time of the invention was made. In particular, USPN 6,686,930 (Powers), clearly suggested scanning to fit image using a standard TWAIN data source as shown in fig 5, teaches transferring the composite image from the TWAIN source to the application by the TWAIN protocol (as discussed in col.5, lines 60-66, TWAIN protocol is a standard protocol used to transfer image or data from image processing application 514 of fig 3, to image source 518 of fig 5, see also col.9, lines

52-55). In view of the above, having the system of (USPN 5,717,941 (Yoshida), and then given the well- established teaching of USPN 6,686,930 (Powers), the Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to the prior arts to come up with claimed invention.

Further, In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Yoshida (941) by the teaching of Powers (930), for the following reasons: (a) it would have help a user avoid a process that can be frustrating and laborious, which is, manipulating the image portion in the application in an attempt to make the image portion fit in a target location, if attempt is unsuccessful, the user must reopen the source and make new selection, and thus it is time consuming process and reduce a user's productivity. (b) It would have help a user to provides for automatic scanning to fit, there by reducing or eliminating numerous scanning iterations in a document processing system, as discussed by Powers (930) in col.4, lines 5-10 and co.3, lines 64-68.

For the above reasons, the Examiner asserts that the combination of (USPN 5,717,941 (Yoshida) in view of USPN 6,686,930 (Powers), does in fact show present claimed invention is known to ordinary skilled in the art at the time of the invention was made, thus, the rejections are maintained.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2625

/Negussie Worku/

Examiner, Art Unit 2625

/Edward L. Coles/

Supervisory Patent Examiner, Art Unit 2625